

TOWN OF DAVIE
PLANNING AND ZONING DIVISION
PLANNING REPORT

April 1, 1999

SUBJECT: Application ZB 9-1-98

APPLICANT: REG-A Corporation

OWNER: Catherine Harber

ADDRESS: 7790 Griffin Road

LOCATION: Generally located on the southeast corner of Griffin Road and SW 78 Avenue.

ZONING: B-1, Neighborhood Business District

LAND USE DESIGNATION: Commercial

REQUEST: From: B-1, Neighborhood Business District, Section 12-32 et. al.
To: B-2, Community Business District, Section 12-32 et. al.

EXHIBITS TO BE INCLUDED: Rezoning application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is an undeveloped tract approximately 1.78 acres in area with 278 feet of frontage on Griffin Road and 247 feet of frontage on SW 78 Avenue. The site is bound on the north by Griffin Road, on the south by land zoned A-1, on the east by land zoned B-1, and on the west across SW 78 Avenue by an Eckerd's drug store under construction zoned B-2.

Review of a rezoning request should include consideration of the criteria listed in Section 12-307 of the Land Development Code which is attached hereto, and made a part hereof.

The applicant's stated reason for the rezoning is to bring the zoning of the property into consistency with the character and development patterns of the business community on the Griffin Road corridor, which is predominantly zoned B-2 or B-3.

The proposed zoning designation is consistent with the Commercial Future Land Use Plan designation and the general zoning pattern of the area near the subject site, and is an appropriate zoning designation for this property, in proximity to a major intersection. The property is located within an "intersection activity node" intended by the Griffin Road Corridor Study recommendations to concentrate high convenience uses such as fast food restaurants, fuel pumps and convenience stores adjacent to the University Drive and SR 7 intersections with Griffin Road.

The more intense uses permitted by the B-2 District are appropriate for this location, and are consistent with the adopted corridor report recommendations, with the exception of those uses that would be specifically prohibited within the proposed overlay district, including mobile home sales, pawnshops and vehicle repair. Other uses normally permitted in the B-2 District may be prohibited pending Council adoption of an ordinance establishing special zoning provisions for the Griffin Road Corridor. The applicant has indicated to staff the intended use of the property may be a retail tire facility. Staff has advised the applicant that traditional retail tire facilities will be prohibited, should Council adopt an overlay zoning district ordinance for the Griffin Road corridor, as retail tire facilities are considered "minor vehicle repair." Under the zoning in progress in effect now, the site cannot be site planned, platted or otherwise licensed for uses that would be prohibited.

RECOMMENDATION: The Planning and Zoning Division recommends **APPROVAL** of the requested rezoning to the B-2, Community Business District, with a finding that the request is harmonious with adjacent zoning and uses, and the Comprehensive Plan and Griffin Road Corridor Study report as adopted by Council, noting that the pending ordinance implementing the corridor report will prohibit some uses the applicant would otherwise gain by rezoning to the B-2 District.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** subject to the "zoning in progress" (5-0), February 24, 1999.

**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-307. Review for rezonings.

- (a) The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will adversely affect living conditions in the neighborhood;
- (e) The proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (f) The proposed change will adversely affect other property values;
- (g) The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS
GENERAL USE

	<u>DISTRICTS</u>							
	<u>SC</u> & B-1	<u>WT</u> & B-2	<u>UC</u> & B-3	<u>O</u>	<u>FB</u>	<u>CC</u>	<u>CI</u>	<u>RO</u>
Adult Facilities	N	N	* 3	N	N	N	N	N
Agriculture	*	*	*	*	N	*	N	*
Agriculture, Commercial	*	*	*	*	*	*	*	*
Amusement Parks	N	N	N	N	N	N	N	N
Animal Hospital	P	P	P	N	N	N	P	N
Animal Kennel	N	N	N	N	N	N	P	N
Antique, Crafts Shops	P	P	P	N	N	N	N	N
Athletic/Health Clubs, Gyms	N	P	P	N	P	*	P	N
Art Gallery	P	P	P	P	P	N	N	N
Auction House	N	*	*	N	N	N	*	N
Banks, Financial	P	P	P	P	P	P	N	N
Bakery, Delicatessen	P	P	P	N	P	*	P	N
Barber, Beauty Shops	P	P	P	N	P	*	P	N
Bars, Lounges	N	*	*	N	*	*	*	N
Bingo Establishments	N	1	1	N	N	N	*	N
Boat Yards	N	N	N	N	N	N	P	N
Bookstores, Newsstand	P	P	P	N	P	**	P	N
Botanical Gardens	N	N	N	N	P	N	P	N
Bottled Fuel	N	N	N	N	N	N	P	N
Bowling, Skating	N	P	P	N	N	N	P	N
Cabinet/Carpentry Shops	N	N	N	N	N	N	*	N
Car Wash	N	P	P	N	N	N	P	N
Catering (Food)	N	P	P	N	N	P	P	N
Communication Apparatus	*	*	*	*	*	*	*	*
Contractor, office only	P	P	P	P	N	P	P	P
Convenience Stores	P	P	P	N	*	N	P	N
Dance Halls, Clubs	N	P	P	N	P	N	P	N
Distribution Facilities	N	N	N	N	N	N	P	N
Dry Cleaning	*	*	*	N	N	**	P	N
Florist, Plant Shop	P	P	P	N	P	**	P	N
Game Room, Arcade	N	P	P	N	N	N	P	N
Gardeners, Landscape Contractors	N	N	N	N	N	N	P	N
Gift Shops	P	P	P	N	N	**	P	N
Golf Courses	N	P	P	N	P	N	N	N
Home Occupation	N	N	N	N	N	N	N	P
Hotels, Motels	N	N	*	N	P	*	N	N
Laboratories	N	N	N	P	P	P	P	N
Light Fabrication	N	N	N	P	N	P	P	N
Machine Shop	N	N	N	N	N	N	P	N

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS
GENERAL USE

	<u>DISTRICTS</u>							
	<u>SC</u> & <u>B-1</u>	<u>WT</u> & <u>B-2</u>	<u>UC</u> & <u>B-3</u>	<u>O</u>	<u>FB</u>	<u>CC</u>	<u>CI</u>	<u>RO</u>
Medical Clinic, Doctor's Office	N	P	P	N	N	P	N	N
Mini Warehouse/Self Storage	N	N	N	N	N	*	*	N
Mobile Home Sales	N	*	*	N	N	N	P	N
Mortuary	N	P	P	N	N	N	P	N
Motion Picture Studio	N	N	N	N	N	P	P	N
Motor Fuel Pumps	N	*	*	N	*	N	*	N
Movie Theater, Performing Arts	N	P	P	N	P	N	N	N
Night Clubs	N	*	*	N	*	**	*	N
Nursery, Child Care Facility	*	*	*	N	*	*	N	N
Office	P	P	P	P	P	P	P	P
Office Equipment Sales	N	P	P	N	P	*	P	N
Parking Lot, Rental	N	P	P	N	*	N	N	N
Pawnshop	N	P	P	N	N	N	P	N
Personal Services	P	P	P	N	P	**	P	N
Pharmacy	N	P	P	N	P	*	P	N
Photographic Studio	P	P	P	N	P	P	P	N
Plant Nursery	P	P	P	P	P	N	P	P
Pool Rooms	N	P	P	N	N	N	P	N
Printer	N	P	P	N	P	P	P	N
Private Club	N	N	P	N	P	N	N	N
Radio or TV Station	N	N	N	N	N	P	P	N
Real Estate Office	P	P	P	P	*	P	P	P
Repair Shop, except vehicle or boat repair	N	P	P	N	N	N	P	N
Research Facilities	N	N	N	P	P	P	P	N
Residential Uses	*	N	*	N	*	*	*	*
Restaurants, Fast Food	N	P	P	N	P	N	P	N
Restaurant, Other	*	P	P	N	P	*	*	N
Retail Sales Other	P	P	P	N	P	**	P	N
Sales Office	P	P	P	P	P	P	P	P
Schools—Special, Private	N	*	*	*	*	N	N	N
Schools, Trade, Vocational and Other	N	*	*	*	*	N	*	N
Service Stations	N	N	*	N	N	N	*	N
Sheet Metal Shop	N	N	N	N	N	N	*	N
Special Residential Facilities	*	*	*	N	N	N	N	N
Sports Arena	N	N	N	N	N	N	N	N
Studios (Art, Music)	P	P	P	N	N	P	P	P
Truck, Auto, Trailer, Utility Rental	N	N	P	N	N	P	P	N
Vehicle Customizing	N	N	N	N	N	N	P	N
Vehicle, Boat, Truck, Repair Major	N	N	N	N	N	N	*	N
Vehicle Repair, Minor	N	*	*	N	N	N	P	N
Vehicle Towing	N	N	N	N	N	N	*	N
Vehicle Boat, Truck Sales	N	N	*	N	N	*	P	N
Warehouse, Storage	N	N	*	N	*	*	*	N

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS (continued)

GENERAL USEDISTRICTS

	<i>SC</i> & <i>B-1</i>	<i>WT</i> & <i>B-2</i>	<i>UC</i> & <i>B-3</i>	<i>O</i>	<i>FB</i>	<i>CC</i>	<i>CI</i>	<i>RO</i>
Watchman's Apartment	*	N	*	N	N	*	*	N
Wholesale	N	P	P	N	N	P	P	N

P = Permitted by right in this district.

N = Not permitted in this district.

* = Conditionally permitted subject to detailed use regulations (Section 12-34).

1 = Subject to detailed use regulations of Chapter 13, Article V of Davie Code of Ordinances.

** = Limited to 20% of gross floor area

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, Section 12-33 and Detailed Use Regulations, Section 12-34 of this Article.

CODE SECTION: B1

PROPOSED ZONING: B2
CODE SECTION:

LAND USE DESIGNATION: Commercial

FOLIO NUMBER 50-41-28-01-0364

TOWN OF DAVIE USE ONLY	
PETITION NO.	<u>ZB9-1-98</u>
FEE.	<u>\$ 1170.00</u>
RECEIPT NO.	<u>7185</u>

RECEIVED
SEP 8 1998

TOWN OF DAVIE
REZONING APPLICATION

NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to Town of Davie

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

DATE FILED:

PHONE: (305)837-4062

PETITIONER: REG-A Corporation

MAILING ADDRESS: 1048 Kane Concourse, #2-B, Bay Harbor, FL 33154

RELATIONSHIP TO PROPERTY: Contract Purchaser

OWNER: Catherine Harber

MAILING ADDRESS: 1195 S.W. 26th Terrace, Fort Lauderdale, FL 33312

ADDRESS OF PROPERTY: Southeast Corner of Griffin Road and
Southwest 78th Avenue

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement
of amount of acreage involved MUST be submitted with application):

Portion of Tract 31, Newmans Survey, P.B. 2, Page 26

ACREAGE: 1.7832 acres (1.8613 acres before taking)

REQUEST: Rezone site from B-1 to B-2

REASON FOR REQUEST (attach additional sheet as necessary):

See attached.

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY	
APPROVED AS TO FORM: <u>Jat</u>	PUBLICATION DATE: <u>11/6/99</u>
MEETING DATE: PLANNING AND ZONING BOARD: <u>1/13/99</u>	TOWN COUNCIL: <u>2/3/99 → 3/17/99</u>
NOTICES SENT: <u>17</u>	REPLIES: FOR: _____ AGAINST: <u>4/7/99</u>
UNDELIVERABLE: _____	

Catherine Harber
OWNER'S NAME(S)
Catherine Harber
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

1195 S.W. 26th Terrace
ADDRESS

Fort Lauderdale, FL 33312
CITY, STATE, ZIP

PHONE

REG-A Corporation
PETITIONER'S NAME

[Signature]
PETITIONER'S SIGNATURE

1048 Kane Concourse, #2-B
ADDRESS

Bay Harbor, FL 33154
CITY, STATE, ZIP

(305) 837-4062
PHONE

The foregoing instrument was acknowledged before me this 3rd day of SEPTEMBER, 1998, by CATHERINE HARBER who is personally known to me or who has produced


as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Teresa Gonzalez

Print: TERESA GONZALEZ

My Commission Expires: 6/19/2002

 **NOTARY PUBLIC**
Teresa Gonzalez
Commission # CC 741277
Expires June 19, 2002
BONDED THRU ATLANTIC BONDING CO., INC.

The foregoing instrument was acknowledged before me this 4th day of September, 1998, by Martin Gradinsky who is personally known to me or who has produced Florida driver's license


as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Susan A. Barnum

Print: Susan A. Barnum

My Commission Expires:

 **NOTARY PUBLIC**
Susan A. Barnum
MY COMMISSION # CC675054 EXPIRES
July 23, 2001
BONDED THRU TROY FARM INSURANCE, INC.

OFFICE USE ONLY

PLANNING AND ZONING BOARD RECOMMENDATION:

01/13/99 - tabled to 02/24/99 amb

02/24/99 - approval subject to the zoning in progress amb

TE TABLED TO 3/17/99
[Signature] 2/3/99
TOWN CLERK DATE

TE TABLED TO 4/7/99
[Signature] 3/16/99
TOWN CLERK DATE

LEGAL DESCRIPTION

A portion of Tract 31, NEWMAN'S SURVEY of Section 28, Township 50 South, Range 41 East, according to the plat thereof recorded in Plat Book 2, Page 26, of the public records of Dade County, Florida, more fully described as follows:

Commencing at the Northeast corner of said Tract 31; thence South $02^{\circ}10'56''$ East, on the East line of said Tract 31, a distance of 90.96 feet to the Point of Beginning; thence South $88^{\circ}33'08''$ West, a distance of 288.98 feet; thence South $39^{\circ}35'41''$ West, a distance of 16.54 feet to a point on the Easterly right-of-way line of S.W. 78th Avenue; thence South $02^{\circ}10'56''$ East, on said right-of-way line, a distance of 246.82 feet; thence North $88^{\circ}30'09''$ East, on the South line of the North 350 feet of said Tract 31, a distance of 300.00 feet to a point on the East line of said Tract 31; thence North $02^{\circ}10'56''$ West, on said East line, a distance of 259.04 Feet to the Point of Beginning.

TOGETHER WITH PARCEL 809 MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING at the Northeast corner of said Tract 31; thence South $02^{\circ}10'56''$ East on the East line of said Tract 31 a distance of 78.96 feet to the POINT OF BEGINNING NO. 2; thence continue South $02^{\circ}10'56''$ East on said East line a distance of 12.00 feet; thence South $88^{\circ}33'08''$ West a distance of 288.98 feet; thence North $39^{\circ}35'41''$ East, a distance of 15.91 feet; thence North $88^{\circ}33'08''$ East, a distance of 278.38 feet to the POINT OF BEGINNING NO. 2.

Said lands situate, lying and being in Broward County, Florida and containing 81,080 square feet, more or less, and 1.8613 acres more or less.

Revised description added this 1st day of September, 1998.

SOUTHEAST CORNER OF
SECTION 28-50-41

2nd DAY OF SEPTEMBER, 1992.

REASON FOR REQUEST

This parcel is situated just east of University Drive on the south side of the Orange Drive/Griffin Road trafficways corridor. This corridor is predominantly zoned B-2 and serves the shopping and limited service needs of the residential neighborhoods in the community. The B-1 neighborhood business designation of this parcel is inconsistent with the character and development patterns of the business community of the south side of the Orange Drive/Griffin Road corridor.

FACSIMILE COVER PAGE

ITEMS 4 4 4

To : Gus Zambrano
Sent : 1/13/99 at 3:43:10 PM
Subject : Griffin Road Corridor Rezoning

From : Bob Waitkus
Pages : 1 (including Cover)

To : Gus Zambrano
Re: Rezoning Meeting 1/13/99
From: Bob Waitkus

Dear Gus,

Since I am not going to be able to attend the rezoning hearing this evening, I just want to fax you a note.

I wanted to express my total opposition to the REG-A/Harber rezoning request and the Felicella/Veile variance request.

The findings and subsequent recommendations of the staff report, as discussed at the December Town Council meeting should be adhered to unquestionably.

The construction of a major highway through our formerly peaceful and rural community is going to eliminate enough of the open space that Davie has always stood for.

We do not need to approve more business activities which will lead to increased traffic and congestion in our residential neighborhood. This will further deteriorate the quality of life that the residents of our town settled here to find.

It is my hope that the city fathers will promote the redevelopment of Davie Road, North of Orange Ave to BCC rather than promote the development of Griffin Road.

Thank you very much for entering my feelings into the record this evening.

Most Sincerely,

Bob Waitkus
4720 SW 72nd Ave.
Davie, FL 33314
954-584-7298

